

TUESDAY, Nov. 27, 1855.

The Senate was called to order by the President, pursuant to adjournment—Prayer by the Chaplain—Roll called—quorum present. The Journal of yesterday was read and adopted.

Mr White presented the petition of Agnes B. Clark, referred to the committee on claims and accounts.

Mr White, also presented the petition of J. L. Nicholson, asking for land, referred to the committee on Private Land claims.

Mr Hill from the committee on Private Land claims made the following report.

The committee on Private Land claims have had under consideration the petition of George S. Bledsoe, asking for three quarters of a League and one labor of land, and the committee instruct me to report, that said Bledsoe was engaged in the service of Texas previous to the 1st of March 1837, and that his family arrived in Texas previous to the 1st day of January 1840, and have ever since that time remained in the country; under the provisions of the 3d section of the law of January 4th 1839, the petitioner is, in the opinion of the committee, entitled to the land now asked for, and they have instructed me to report the accompanying Bill for his relief and recommend its passage.

A Bill for the relief of George S. Bledsoe, Read 1st time.

Mr Hill from the same committee, made the following report.

The committee on Private Land claims have had under consideration A Bill for the relief of John B. Johnson, for six hundred and forty acres of land, and the committee instruct me to report, that it is proved before the committee that said Johnson was a member of the Texas army in the spring of 1836, at the time of the battle of San Jacinto, and that he actually crossed Buffalo Bayou on the 19th of April in the same year with that portion of the army, which two days after fought the battle of San Jacinto, and being detailed to carry and express to Major McNutt who was left in command of the baggage-guard, was prevented from participating in the battle. The committee are of opinion that the fact of said Johnson's being a member of the army and detailed for special service, entitles him to the relief sought. They therefore instruct me to return the bill with the following amendments, and recommend the adoption of the amendments and passage of the bill. Strike out the words "Adjutant General" wherever they occur, and insert in lieu thereof "commissioner of the General Land Office."

Mr White from the committee on Counties and County boundaries to which was referred the petition of E. Kilpatrick and P. Rose, reported the following Bill and recommend its passage.

A Bill changing a portion of the boundary of the counties of Calhoun, Victoria and Refugio—read first time.

Mr White from the same committee to which was referred to A Bill to amend the 6th section of an act entitling an act to incorporate the towns of Victoria, Goliad and Gonzales, reported the same back and recommended its passage.

Mr Armstrong from the committee on the Judiciary to which were referred A Bill prohibiting the commissioner of the General Land Office issuing patents to the Texas emigration and land company for lands lying in Peters Colony; reported that a majority of the committee recommended its passage.

Mr Potter chairman of the committee on the Judiciary, to which was referred A Bill to create the 16th Judicial District, reported a substitute therefor, and recommended its adoption and passage.

Mr Palmer from the committee on the Judiciary, to which was referred two Bills relative to the acts of Deputy Clerks, reported a substitute therefor and recommend its adoption and passage.

Mr Potter chairman of the committee on the Judiciary, to which was referred A Bill to authorize the county court of Dallas County to levy a special tax for the purpose of building a Court House, reported that a majority of the committee recommended its passage.

Mr Potter also made the following report:

The Judiciary committee have considered A Bill to amend the 21st section of an act, entitled "an Act to organize County Courts" approved March 16th 1848, and direct me to report the same back to the Senate and recommend its passage. The object of the Bill is to authorize the county Courts in holding their quarterly terms for the transaction of county business, to continue in session one week at each term, in place of three days, as now prescribed by law.

Mr Hill from the committee on Private Land claims made the following report.

The committee on Private Land claims have had under consideration a Bill for the relief of Radford Berry asking for a certificate for three fourths of a League and labor of land, instruct me to report.

That being satisfied from the evidence produced before them, that the title of said Radford Berry for three fourths of a League and one labor of land issued by George W. Smyth on the 14th

October 1835, purporting to be situated on the South bank of Red River, including Sassafra Bluff is not laid down on the map of the General Land Office, nor can be, from the connection given in the title, in consequence of which it has been granted to other claimants by the Government. They therefore instruct me to return the bill to the Senate and recommend its passage.

The committee on Private Land claims have had under consideration, the petition of the heirs of John F. Chairs asking for two thirds of a League and labor of land as his augmentation, and a bounty warrant for 640 acres, and a 640 donation warrant for his services in the battle of San Jacinto, instruct me to report.

That the heirs of the said Chairs having proved to the satisfaction of the committee that their father (the said Chairs) died in the state of Texas, County of Angelina in the year 1852; that said Chairs emigrated to Texas in 1833, and that he fought in the battle of San Jacinto; he came to Texas, a single man and obtained a headright for a third of a League of land, he married in the county of San Augustine in the year 1836.

The committee instruct me to report the following Bill and recommend its passage. •

A Bill for the relief of the heirs of John F. Chairs, Read first time.

The committee on Private Land claims have had under consideration a Bill for the relief of Alfred H. Wiley, asking for a grant of one third of a League of land, as a headright, instruct me to report.

That the said Wiley was a resident in this State previous to the declaration of Independence, and having continued to reside in the country to the present time, is entitled to the quantum of land asked for. They therefore instruct me to return the Bill and recommend its passage.

The committee on Private Land claims have had under consideration the petition of George W. Grover asking for 320 acres of land as a headright, instruct me to report. That the said Grover emigrated to Texas in January 1840, and in May 1841 enrolled as a member of the Artillery Company in the Santa Fe expedition, suffering all the privations of that unfortunate campaign, including imprisonment in Mexico &c.; was also in the company commanded by Captain Caldwell at the battle of Plum Creek; was a citizen of the Republic of Texas for the term of three years, performing all the duties required of him as such; and in virtue of the law under which he emigrated is entitled to a headright of 320 acres of land, which he has never yet obtained; all of which facts were proved to the satisfaction of the com-

mittee. They therefore instruct me to report the accompanying bill and recommend its passage.

A Bill for the relief of George W. Grover—read first time.

Mr. Bryan, chairman of the committee on Education to which was referred A Bill for the relief of the Fowler Institute, reported the same back and recommended that it be laid on the table.

Mr. Bryan from the same committee, to which was referred A Bill to incorporate Larissa College, and A Bill creating a fund for the erection and support of a University, reported the same back and recommended their passage.

Mr. Allen, chairman of the committee on Enrolled Bills, made the following report.

The committee on Enrolled Bills presented on yesterday to the Governor, properly signed, an Act to amend an Act to incorporate the city of San Antonio, approved 14th January 1842.

Mr. Guinn chairman of the committee on Engrossed Bills, reported A Bill defining the seventh Judicial District and the time of holding Courts in the same—and a Joint Resolution proposing an amendment to the constitution, correctly engrossed.

Mr. Maverick made the following report:

The undersigned is instructed by the majority of the select Joint Committee of the two Houses, to report as follows, on the Bill for the protection of the western Frontier, which was referred to them after having been reported by the committee on Indian Affairs.

The Indians that annoy the frontier settlements are as stealthy, as scattered and as difficult to catch as the wolves of the prairie. Like wolves they come when least expected, in gangs of ten or twenty; robbing and committing murders, and again fleeing to their secret haunts. To provide against such an enemy is certainly difficult; but the committee have digested a plan which they confidently offer as being at least somewhat adapted to the peculiarities of the case. The committee propose to give aid and assistance to those who are now forced to defend themselves.

Wherefore the committee instruct the undersigned to report the accompanying Bill to be entitled "an Act to muster into service Minute men for the protection of the frontier settlements," as a substitute for the Indian committee's Bill, referred to them, and to recommend the Senate to pass said substitute.

S. A. MAVERICK, *Chairman.*

Mr. McCulloch submitted the following minority report.

Hon. D. C. Dickson, President of the Senate, and

Hon. H. P. Bee, Speaker of the House of Representatives:

We, a minority of the select committee of both Houses of the Legislature, to whom was referred two bills for the protection of

the Frontier, one emanating in the Senate and the other in the House of Representatives, have, with the balance of the committee, duly considered the same and feel constrained to dissent from the report of the majority.

We cannot believe that the organization of the militia under the provisions of the bill recommended by the majority, will or can benefit the citizens now exposed on the frontier much, if any, and are satisfied that it does not meet the wants of the suffering people.

The number of men is not sufficient, as we conceive, nor does the organization meet our views. There should be full companies organized, and instead of remaining in the settlements, and at their homes, until the Indians commit depredations upon the citizens, they should be kept in active service beyond the exposed settlements to meet and repel the advancing foe, before the blood of the settler is shed or his property stolen. It is not the money that the frontier man wants (the \$1,50 per day for pursuing his stolen property, if perchance he be left alive to join in the pursuit) but that protection which will enable him to remain at home quietly in his agricultural pursuits. We do not desire to see the frontier settler *forced* to turn soldier for defence of that family which his government should protect, and while he is absent from them in the discharge of his duties as such, leave them exposed to the merciless savages that may be lurking about their habitation.

Then it does seem to us that the force which is proposed to be organized under the provisions of the bill reported by the majority, is so far from the requirements of all the laws and precedents of the United States Government in organizing the militia or volunteers, that we could not expect that government to recognize the act, or make provision for refunding the money expended for that purpose when demanded by Texas, while on the other hand, if there was some similarity of arrangement, to that adopted by that government, she would be better enabled to understand and appreciate it, and would certainly be more apt to pay it back to this State.

We still contend that one thousand men are no more than the wants of our extended and suffering frontier demands—and cannot agree to anything short of the raising of five hundred men for twelve months under the command of a Lieutenant Col. or Major, and therefore ask leave respectfully to recommend the passage of the enclosed Bill, instead of the one reported by the majority of the committee.

Respectfully, &c.,

H. E. McCULLOCH,
of the Senate.

JOHN R. KING,
A. J. BELL,
R. N. NORTON,

Of the House of Representatives.

Mr Taylor, of Fannin, moved to reconsider the vote taken on yesterday, which rejected a bill for the relief of the heirs and assignees of Thomas Williams.

On motion of Mr Millican, the motion was laid on the table until Friday the 30th inst.

Mr Pedigo introduced a bill for the relief of the heirs and legal representatives of Dawson B Charlton, deceased; read first time.

Mr Flanagan introduced a bill to protect actual settlers; read first time.

Mr McCulloch introduced a bill to authorise the Auditor and Comptroller to audit Bond, No. 164, of the 10 per cent consolidated stock of the 5th February, 1840; read first time.

On motion of Mr McCulloch, the rule was suspended, bill read second time, and referred to the committee on Public Debt.

Mr Taylor, of Cass, introduced a bill to prescribe the time of the biennial meetings of the Legislature of the State of Texas; read first time.

Mr Scott introduced a bill to incorporate the Harrison Manufacturing Company; read first time.

Mr White introduced a bill to change the time of holding the District Court in the 10th and 14th Judicial Districts; read first time.

Mr Potter introduced a bill to establish a Code of Civil Procedure for the State of Texas.

Mr Scott moved to reject the bill.

On motion of Mr Taylor, of Cass, Mr Scott's motion to reject the bill was laid on the table until Friday, 30th instant.

ORDERS OF THE DAY.

A bill defining the 7th Judicial District, and the time of holding Courts in the same; read third time and passed.

Joint resolution proposing an amendment to the Constitution; read third time and passed by the following vote:

YEAS—Messrs Allen, Burroughs, Caldwell, Flanagan, Guinn, Hill, Lott, McCulloch, McDade, Martin, Maverick, Palmer, Pirkey, Potter, Russell, Scott, Taylor, of Cass, Taylor, of Fannin, Taylor, of Houston, Truit, Weatherford, Whitaker and Wren—23.

NAYS—Mr Millican—1.

The report of the committee on Public Lands, on a bill donating to actual settlers on vacant public domain three hundred and twenty acres of land, offering amendments thereto, was read and amendments adopted.

Mr Pirkey offered the following amendments :

Amend Sec. 2d, by adding "upon the payment of twenty-five cents per acre for the same."

Amend Sec. 5th, by striking out all after the words "patent fee," and add "and twenty-five cents per acre for the excess of one hundred and sixty acres to a patent upon said survey, provided the same does not exceed three hundred and twenty acres."

Mr Weatherford moved to lay the amendments on the table ; lost by the following vote :

YEAS—Messrs Allen, Armstrong, Burroughs, Guinn, Lott, Martin, Maverick, Pedigo, Taylor, of Fannin, Weatherford and Wren—11.

NAYS—Messrs Bryan, Caldwell, Flanagan, Grimes, Hill, McCulloch, McDade, Millican, Palmer, Pirkey, Potter, Russell, Scarborough, Scott, Taylor, of Cass, Taylor, of Houston, Truit, Whitaker and White—19.

Mr Martin moved the indefinite postponement of the amendment ; lost by the following vote :

YEAS—Messrs Allen, Armstrong, Bryan, Burroughs, Guinn, Lott, Martin, Pedigo, Scarborough, Weatherford and Wren—11.

NAYS—Messrs Caldwell, Flanagan, Grimes, Hill, McCulloch, Maverick, Millican, Palmer, Pirkey, Potter, Russell, Scott, Taylor, of Cass, Taylor, of Houston, Truit, Whitaker and White—17.

Mr Weatherford moved to amend the amendment by striking out "five" after "twenty;" lost by the following vote :

YEAS—Messrs Allen, Armstrong, Burroughs, Guinn, Lott, Martin, Pedigo, Scarborough, Taylor, of Cass, Taylor, of Houston, Truit, Weatherford and Wren—13.

NAYS—Messrs Bryan, Caldwell, Flanagan, Grimes, Hill, McCulloch, Maverick, Millican, Palmer, Pirkey, Potter, Russell, Scott, Whitaker and White—15.

Mr Lott moved to amend by striking out "twenty five cents" whenever occurring, and inserting "twelve and a half cents."

Mr Palmer moved a division of the question ; carried.

The question on striking out being put was lost.

Mr Pirkey's amendment was then adopted by the following vote :

YEAS.—Messrs Bryan, Burroughs, Caldwell, Flanagan, Grimes, Hill, McCulloch, McDade, Millican, Palmer, Pirkey, Potter, Russell, Scott, Taylor, of Cass, Truit, Whitaker and White—18.

NAYS.—Messrs Allen, Armstrong, Guinn, Lott, Martin, Maverick, Pedigo, Scarborough, Superviele, Taylor, of Fannin, Taylor, of Houston, Weatherford and Wren—13.

Mr Grimes moved the indefinite postponement of the bill; lost by the following vote:

YEAS.—Messrs Bryan, Burroughs, Flanagan, Grimes, Hill, McCulloch, McDade, Millican, Palmer, Whitaker and White—11.

NAYS.—Messrs Allen, Armstrong, Caldwell, Guinn, Lott, Martin, Maverick, Pedigo, Pirkey, Potter, Russell, Scarborough, Scott, Superviele, Taylor, of Cass, Taylor, of Fannin, Taylor, of Houston, Truit, Weatherford and Wren—20.

On motion of Mr Palmer, the bill was postponed until Monday, 3d day of December, and 100 copies ordered to be printed.

On motion of Mr Taylor, of Cass, a bill to create the 17th Judicial District of the State of Texas, and to define the time of holding the District Courts therein, was taken up, read second time and referred to the committee on the Judiciary.

On motion of Mr Guinn, a bill to regulate the time of holding the Courts in the 6th Judicial District was taken up, read second time, and referred to the committee on the Judiciary.

On motion of Mr White, a bill to change the time of holding the District Court in the 10th and 14th Judicial Districts, was taken up, read second time, and referred to the committee on the Judiciary.

On motion of Mr Martin, the Senate adjourned until 9 o'clock to-morrow morning.

WEDNESDAY, Nov. 28th, 1855.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of yesterday read and adopted.

Mr Taylor of Cass presented the petition of John Speake, asking an appropriation for the improvement of Ferry Lake; referred to committee on Internal Improvements.

Mr Armstrong presented the petition of J. C., and Margaret Pettigrew; referred to committee on State affairs.

Mr White presented the petition of A. M. Clare; referred to committee on claims and accounts.